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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.442 OF 2006

Vijay Raghunath Sandbhor & anr. Petitioners
versus
Smt.Vijaya Pangarkar & anr. Respondents

Mr.Pratap Patil for petitioners.
Mr.A.R.Patil, AGP for respondent no.2.

CORAM : A.S.OKA, J.

DATE : 02nd April 2007

PC :

1. Heard advocate for petitioners and learned AGP for the contemnors. The breach alleged is of order dated 16th October 2006 passed by this Court in Civil Application No.806 of 2006 in Second Appeal (Stamp) No.10045 of 2006.

2. Now, an affidavit has been filed by the first respondent Vijaya Pangarkar, Tahsildar, Khed at Rajgurunagar, District Pune. Though the explanation in the affidavit for not complying with the order is not satisfactory, in paragraph nos.8 to 10 of the said affidavit, the first respondent has stated as under:-

"8. I state that when the order dated 16.10.2006 directing the parties to maintain status-quo in respect of the suit property passed in the contempt notice was served on me I realized that there was an order dated 16.10.2006, passed by this Hon'ble High Court (Coram : S.B.Deshmukh, J.) in Civil Application No.806 of 2006 (for Condonation of delay) in Second Appeal St.No.10045 of 2006. I state that on the Civil Application No.806 of 2006 seeking Condonation of delay of about more than 5 years, the parties to the suit were directed to maintain status-quo as on 16.10.2006 and the same relief of status-quo was directed to be continued till 19.12.2006. I state that after receiving the Xerox copy of the abovesaid order, I immediately, initiated remedial action. I state that in pursuance of the said remedial action, I reviewed my own order dated 17.10.2006 whereby the possession of the suit property was taken by me from the decree holders and handed over to the Judgement Debtors (Petitioners herein). I state that on 17.03.2007, I reviewed my own order. Hereto annexed and marked as Exhibit-2 is the copy of the order dated 17.03.2007, passed by me in Suo-motu Review bearing No.Review/SR/1/07.

9. I state that in view of the order dated 17.03.2007 passed by me in Suo-motu review, the Mutation Entry No.2110 is inserted. Hereto annexed and marked as Exhibit-3 is the copy of the Mutation Entry is came to be recorded on 17.03.2007.

10. I state that in view of the Mutation Entry No.2110, the 7/12 extracts was also amended. Hereto annexed and marked as Exhibit-4 is the copy of the latest 7/12 extracts in respect of the said property."

3. In paragraph no.11 of the affidavit, the said

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respondent stated that there is no wilful disobedience on her part and the mistake has been corrected. In paragraph no.12 the first respondent has tendered an unconditional apology to this Court.

4. Shri Patil appearing for the petitioners on instructions stated that now the possession has been restored after the first respondent reviewed her own order. He stated that necessary Mutation Entries have also been made.

5. In view of the apology tendered by the first respondent, no further action is required to be initiated in the matter. First respondent is personally present in the Court. In view of the steps taken by the first respondent and apology tendered by the first respondent, it is not necessary to take action under the Contempt of Courts Act, 1971 and notice issued to the first respondent is accordingly discharged. Contempt Petition is disposed of.

(A.S.OKA, J.)